



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,344	11/20/2001	Shawn R. Gettemy	PALM-3676	4295

7590 04/20/2005

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,344

Applicant(s)

GETTEMY ET AL.

Examiner

Lao Y Lun

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 12-14, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 15-19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-11, 15-19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saw et al(6,445,574) in view of Mese et al(5,396,443).

As to claims 1-4, 8-11, 15-19 and 23-25, Saw et al(6,445,574) teach an input detection system comprising a cover(12) coupled to an electronic device by a hinge; a first display component(16); a second display component(30) disposed within the cover(12) above the first display(16) when the cover is in a closed position and wherein the second display(30) is fully transparent to permit viewing the first display component when the cover is in a closed position(see figures 1-2; column 1, lines 48-65; column 2, lines 53-68 and column 3, lines 1-20); a control circuit(31) coupled to a sensor component(48) and to the first display component(16, 44) and to the second display component(30, 30, 46) operable to register the indication(close or open position) as an input to the electronic device(10) and wherein the sensor is operable to differentiate the

Art Unit: 2673

height(when the cover(12) from an open position to a close position) and cause the control circuit, in response to the differentiating, to made one of display components an active display component(16, 44)(see figures 1-3 and column 3, lines 10-50).

Saw et al fail to disclose a sensor is operable to differentiate the height of the indication above the surface of the second display component.

Mese et al teach an input detecting system comprising a sensor (102)for detecting an indication(e.g. finger or stylus) in proximity(approach or less than distance d(about 5 mm)) to but not in contact with the surface of the electronic device(display or tablet) and wherein the sensor(102) is to differentiate the height of the indication(e.g. finger or stylus) above the display and cause the control circuit, in response to the differentiating, to active display component(see figures 1, 2, 5-9; column 3, lines 58-68; column 4, lines 1-55; column 10, lines 3-68; columns 11-13 and column 14, lines 1-10). It would have been obvious to have modified Saw et al with the teaching of Mese et al, so as to save the power(see abstract).

As to claim 2, Mese et al teach a capacitive sensor(see figures 7-9; column 11, lines 17-36; column 12, lines 66-68 and column 13, lines 1-12).

As to claim 4, Mese et al teach an inductive sensor(see figures 6-9; column 10, lines 3-68; column 11, lines 1-51; column 12, lines 12-68 and column 13, lines 1-23).

As to claims 8, 9, 15-16, and 23-24, Saw et al teach a sensor(48) having a threshold(switch) for sensing a cover(12) being closed or open(see figures 1, 3 and column 3, lines 40-50).

As to claims 10, 17 and 25, it would have been obvious to have a second sensor coupled a second display so a user could also input data on a second display.

Response to Arguments

3. Applicant's arguments filed October 24, 2004 have been fully considered but they are not persuasive.

Applicants argue that Saw does not teach the sensor is operable to differentiate the height of an indication above the surface of the second display component when the cover is in close position on page 11. Even though, Saw does not teach a sensor for sensing an operating medium(e.g, stylus or finger) being contact or closed to a second display(30) mounted on the cover(12), Saw teaches a sensor(48, electromagnetic relay or cam actuated switch) is a proximity sensor for detecting the cover being closed or open from the first display(16)(see figures 1-3 and column 3, lines 21-50). Saw teaches a second display(30) is deactivated when the cover is in closed position(see figures 1-3; and column 3, lines 15-17 and lines 40-50).

Applicants argue that Mese does not teach the sensor can differentiate the height of the operating medium above the sensor on pages 11-12. The examiner disagrees with that since Mese teach the sensor(12) can differentiate the height of the operating medium(e.g. stylus or finger) above the sensor(12) or display(103)(see figures 1, 2, 5-9; abstract; column 4, lines 19-55; column 10, lines 3-15; column 11, lines 17-68 and column 12, line 1) which is same as the claims limitation of a sensor for detecting an

indication(stylus or finger) in proximity to but not in contact with the surface of the electronic device cited in claims 1, 11 and 19 and same as applicants disclosed in the specification(see figure 5; page 20, lines 5-17 and page 21, lines 13-21). Saw teaches a second display(30) located above the first display when the cover(12) is in a closed position(see figure 1 and column 2, lines 53-65). With Mese's teaching, Saw would have a sensor for detecting the height of the operating medium(e.g. stylus or finger) above the surface of the second display(30), so as to activated a second display(30) when the operating medium(stylus or finger) is closed to the surface of the second display(30); e.g. less or equal to 5 mm; or turn off the power when the operating medium is far away from the surface of the second display(30); e.g. more than 5 mm. Therefore, the device could save the power and having very high operability by making active immediately after a pen or finger approaches or comes in contact with the device.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2673

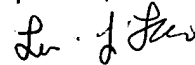
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 15, 2005



Lun-yi Lao
Primary Examiner